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cont
c) comprises a sequence essentially similar to at least part of the complement of at least part of said nucleotide sequence of said nucleic acid of interest; and optionally a DNA region involved in transcription termination and polyadenylation.

REMARKS

Entry of the foregoing, and early and favorable consideration of the subject application on the merits is respectfully requested. By the present amendment, claim 1 has been amended to replace the term "stem-loop" with the term "hairpin RNA." This amendment derives support at least from pages 14-15 of the specification as originally filed. No new matter has been added.

Turning now to the Official Action, requiring restriction under 35 U.S.C. §121, Applicants hereby elect, albeit with traverse, the claims of Group II, Claims 2-12, 22, and 23, drawn to "method of reducing phenotypic expression in a host cell by transformation with DNA encoding hairpin RNA, and transformed host cell," classified in Class 435, subclass 419.

However, Applicants hereby request that Group I (claim 1) be rejoined with Group II, particularly in view of the present amendment to claim 1. Applicants note that the only difference between Group I and Group II cited by the Examiner is that Group I refers to "stem-loop DNA," while Group II refers to "DNA encoding hairpin RNA." Applicants respectfully direct the Examiner's attention to the definition of "hairpin RNA" at pages 14-15 of the specification:

As used herein, "hairpin RNA" refers to any self-annealing double-stranded RNA molecule. In its simplest representation, a hairpin RNA consists of a double stranded **stem** made up by the annealing RNA strands, connected by a single-stranded RNA **loop** . . .

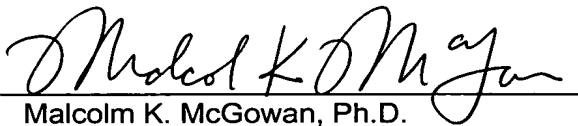
In other words, based on the present application, "hairpin RNA" and "an RNA capable of forming stem-loop structures" would be regarded by one of ordinary skill in the art as denoting the same kind of nucleic acid structures, i.e., RNA which can fold into at least one double stranded RNA connected by a single stranded RNA of variable length. Accordingly, properly interpreted, Claim 1 is clearly directed to the same invention as the claims of Group II. Applicants respectfully suggest that the Examiner has incorrectly interpreted claim 1 to

be directed to a method of reducing phenotypic expression in a host cell *by transformation with stem-loop DNA*. Original claim 1 recites a "DNA region, which when transcribed, yields an RNA molecule comprising an RNA region capable of forming an artificial stem-loop structure." Applicants submit that a "hairpin RNA" and an "RNA capable of forming a stem-loop structure," properly interpreted in the context of the present application, are one and the same thing. Nevertheless, in an effort to expedite prosecution, claim 1 has been amended to replace the phrase "stem-loop" with the phrase "hairpin RNA." In view of this amendment, rejoinder of Group I and Group II claims is believed to be in order and is respectfully requested.

In the event that there are any questions relating to this application, the Examiner is respectfully requested to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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